

1 Ruffin B. Cordell (admitted *Pro Hac Vice* / cordell@fr.com)
Ahmed J. Davis (admitted *Pro Hac Vice* / davis@fr.com)
2 Cherylyn Esoy Mizzo (admitted *Pro Hac Vice* / mizzo@fr.com)
FISH & RICHARDSON P.C.
3 1425 K Street NW, 11th Floor
4 Washington, DC 20008
Telephone: 202-783-5070
5 Facsimile: 202-783-2331

6 Keeley I. Vega (CA SBN 259928 / kvega@fr.com)
FISH & RICHARDSON P.C.
7 500 Arguello Street, Suite 500
8 Redwood City, CA 94063
Telephone: 650-839-5070
9 Facsimile: 650-839-5071

10 Attorneys for Plaintiffs
HEWLETT-PACKARD COMPANY
11 and HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 HEWLETT PACKARD COMPANY, a
Delaware Corporation, and HEWLETT-
16 PACKARD DEVELOPMENT COMPANY,
17 L.P., a Texas Limited Partnership,

18 Plaintiffs,

19 v.

20 MICROJET TECHNOLOGY CO. LTD., a
Taiwanese corporation, ASIA PACIFIC
21 MICROSYSTEMS, INC., a Taiwanese
Corporation, MIPO TECHNOLOGY LIMITED,
22 a Hong Kong Corporation, MIPO SCIENCE &
23 TECHNOLOGY CO., LTD., GUANGZHOU, a
Chinese Corporation, MEXTEC GROUP INC.
24 d/b/a MIPO AMERICA LTD., a Florida
Corporation, SINOTIME TECHNOLOGIES,
25 INC. d/b/a All Colors, a Florida Corporation, and
26 PTC HOLDINGS LIMITED, a Hong Kong
Corporation,

27 Defendants.
28

Case No. 10-CV-02175 (JW)

JOINT STATUS STATEMENT

1 Pursuant to the Court's October 3, 2011 Order (D.I. 53), Plaintiffs Hewlett Packard
2 Company and Hewlett Packard Development Company, L.P. ("HP") and Defendants Asia Pacific
3 Microsystems, Inc. ("APM"), Mipo Technology Limited, and Mipo Science and Technology Co.,
4 Ltd. submit this Joint Status Statement.

5 1. HP filed its Complaint in this case on May 20, 2010, alleging, *inter alia*, that
6 Defendants infringe U.S. Patent Nos. 6,234,598; 6,309,053; 6,398,347; 6,412,917; 6,481,817; and
7 6,402,279.

8 2. HP filed a complaint with the United States International Trade Commission (the
9 "ITC") on May 25, 2010, alleging that Defendants are in violation of section 337 of the Tariff Act
10 of 1930, 19 U.S.C. § 1337, for infringing the same patents at issue in this action. The Commission
11 instituted the related investigation, titled *In the Matter of CERTAIN INKJET INK CARTRIDGES*
12 *WITH PRINTHEADS AND COMPONENTS THEREOF*, Inv. No. 337-TA-723, on June 21, 2010.

13 3. The related ITC investigation is ongoing. On September 20, 2010, the
14 Administrative Law Judge ("ALJ") issued an initial determination finding MicroJet Technology
15 Co., Ltd. in default pursuant to 19 CFR § 210.16(a)(1) for failure to respond to the Complaint and
16 Notice of Investigation. On October 19, 2010, the Commission issued a notice declining to review
17 that initial determination.

18 4. On October 28, 2010, the ALJ issued an initial determination terminating the
19 investigation as to Mipo Science & Technology Co, Ltd. and Mipo Technology Limited on the basis
20 of a consent order. On November 18, 2010, the Commission issued a notice declining to review
21 that initial determination.

22 5. On June 10, 2011, the ALJ issued a final initial determination finding a violation of
23 section 337 by the respondents. Regarding infringement, the ALJ found that APM does not directly
24 infringe claims 1-5 of U.S. Patent No. 6,234,598. HP did not accuse APM of directly infringing any
25 other claims or patents. The ALJ also found that APM does not induce infringement of the asserted
26 patents. The ALJ, however, found APM liable for contributory infringement. With respect to
27 invalidity, the ALJ found that the asserted patents were not invalid. On August 11, 2011, the
28 Commission issued a notice that it would review the final initial determination in part. The Target

1 Date for the Commission's Final Determination, which can be extended sua sponte, is October 24,
2 2011.

3 6. Pursuant to 28 U.S.C. § 1659 and the Court's August 11, 2010 Order (D.I. 48), all
4 proceedings in this case are stayed until final resolution, including any appeals to the Court of
5 Appeals for the Federal Circuit (CAFC), of the related ITC investigation.

6
7 Dated: October 11, 2011

8 By: /s/ Keeley I. Vega

9 Ruffin B. Cordell (Admitted *Pro Hac Vice*)
Ahmed J. Davis (Admitted *Pro Hac Vice*)
10 Cherylyn Esoy Mizzo (Admitted *Pro Hac Vice*)
FISH & RICHARDSON P.C.
11 1425 K Street NW, 11th Floor
Washington, DC 20008
12 Telephone: 202-783-5070
13 Facsimile: 202-783-2331

14 Keeley I. Vega (CA SBN 259928)
FISH & RICHARDSON P.C.
15 500 Arguello Street, Suite 500
Redwood City, CA 94063
16 Telephone: 650-839-5070
17 Facsimile: 650-839-5071

18 **Attorneys for Plaintiffs**

19 HEWLETT-PACKARD COMPANY and HEWLETT-
PACKARD DEVELOPMENT COMPANY, L.P.

20
21 Dated: October 11, 2011

22 By: /s/ Vinay V. Joshi

23 Jenny W. Chen (CA SBN 205043)
CHEN IP LAW GROUP
24 7F, No. 1, Alley 30, Lane 358, Rueiguang Road
Neihu District
25 Taipei, Taiwan 114
Telephone: +886.2.7721.8855
26 Facsimile: +886.2.7721.8822
27 Email: Jenny.Chen@ChenIPLaw.com
28

Vinay V. Joshi (CA SBN 213487)
EASTWIND CONSULTANTS COMPANY
LIMITED
7F, No. 1, Alley 30, Lane 358, Rueiguang Road
Neihu District
Taipei, Taiwan 114
Telephone: 408-893-1512
Facsimile: 216-696-8731
Email: Vinay.Joshi@EastwindConsult.com

Attorneys for Defendant
ASIA PACIFIC MICROSYSTEMS, INC.

Dated: October 11, 2011

By: /s/ John P. Fry

Robert A. Gutkin (SBN119781)
rgutkin@mmmlaw.com
MORRIS, MANNING & MARTIN, LLP
1333 H Street, N.W. Suite 820
Washington, DC 20005
Telephone: (202) 408-5153
Facsimile: (202) 408-5146

Tim Tingkang Xia (Admitted *Pro Hac Vice*)
txia@mmmlaw.com
John P. Fry (Admitted *Pro Hac Vice*)
jfry@mmmlaw.com
MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326
Telephone: (404) 233-7000
Facsimile: (404) 365-9532

Attorneys for Defendants
MIPO TECHNOLOGY LIMITED AND
MIPO SCIENCE & TECHNOLOGY CO., LTD.
GUANGZHOU

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that a true and correct copy of the above and foregoing
3 document has been served on October 11, 2011 to all counsel of record who are deemed to have
4 consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other
5 counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

6 By: /s/ Keeley I. Vega

7 Keeley I. Vega

8 **Attorneys for Plaintiffs**

9 HEWLETT-PACKARD COMPANY and HEWLETT-
10 PACKARD DEVELOPMENT COMPANY, L.P.

11 **DECLARATION OF CONSENT**

12 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty
13 of perjury that concurrence in the filing of this document has been obtained for the signatures
14 indicated by a "conformed" signature within this efiled document.

15 Dated: October 11, 2011

16 By: /s/ Keeley I. Vega

17 Keeley I. Vega

18 **Attorneys for Plaintiffs**

19 HEWLETT-PACKARD COMPANY and HEWLETT-
20 PACKARD DEVELOPMENT COMPANY, L.P.